

SEP. 13. 2005 2:26PM

ZILKA-KOTAB, PC

NO. 0230 P. 1

TO: USPTO

**ZILKA-KOTAB**

PC  
ZILKA, KOTAB & FEECE<sup>TM</sup>

RECEIVED  
CENTRAL FAX CENTER

SEP 13 2005

95 SOUTH MARKET ST., SUITE 420  
SAN JOSE, CA 95113

TELEPHONE (408) 971-2573  
FAX (408) 971-4660

FAX COVER SHEET

Date: September 13, 2005	Phone Number	Fax Number
To: USPTO: Jerry B. Dennison	(571) 273-8300	
From: Kevin J. Zilka		

Docket No.: NA11P344\_01.249.01

App. No: 10/028,412

Total Number of Pages Being Transmitted, Including Cover Sheet: 05

Message:

Please deliver to examiner Jerry B. Dennison.

Thank you,  
Kevin J. Zilka

☐ Original to follow Via Regular Mail ☒ Original will Not be Sent ☐ Original will follow Via Overnight Courier

RECEIVED  
OIPE/IAP

SEP 14 2005

\*\*\*\*\*  
The information contained in this facsimile message is attorney privileged and confidential information intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copy of this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone (if long distance, please call collect) and return the original message to us at the above address via the U.S. Postal Service. Thank you.  
\*\*\*\*\*

IF YOU DO NOT RECEIVE ALL PAGES OR IF YOU ENCOUNTER  
ANY OTHER DIFFICULTY, PLEASE PHONE Erica  
AT (408) 971-2573 AT YOUR EARLIEST CONVENIENCE

September 13, 2005

SEP 13 2005

Practitioner's Docket No. NAI1P344/01.249.01

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Alex J. Hinchliffe et al.

Application No.: 10/028,412

Group No.: 2143

Filed: December 21, 2001

Examiner: Dennison, J.

For: DESKTOP SECURITY IN PEER-TO-PEER NETWORKS

Mail Stop AF

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

NOTICE OF APPEAL FROM THE PRIMARY EXAMINER  
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES  
(37 C.F.R. § 41.31)

Applicant hereby appeals to the Board from the decision of the Primary Examiner, mailed June 23, 2005, for a second time rejecting claims 1, 2, 4, 5, 7, 9-16, 18, 19, 21, 23-30, 32, 33, 35, and 37-49.

## 1. STATUS OF APPLICANT

This application is on behalf of other than a small entity.

09/14/2005 SSITHIB1 00000004 501351 10028412

01 FC:1401 500.00 DA

## CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10\*

(When using Express Mail, the Express Mail label number is *mandatory*;  
*Express Mail certification is optional.*)

I hereby certify that, on the date shown below, this correspondence is being:

## MAILING

— deposited with the United States Postal Service in an envelope addressed to the Commissioner for Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

37 C.F.R. § 1.8(a)

— with sufficient postage as first class mail.

37 C.F.R. § 1.10\*

— as "Express Mail Post Office to Addressee"

Mailing Label No. \_\_\_\_\_ (mandatory)

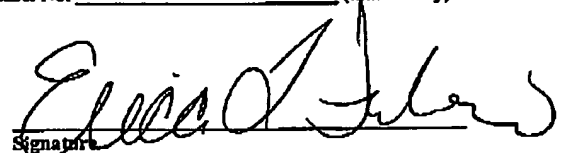
## TRANSMISSION

✓ facsimile transmitted to the Patent and Trademark Office, (571) 273-8300.

Date:

9/13/2005

Signature



Erica L. Farlow

(type or print name of person certifying)

\* Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

Notice of Appeal from the Primary Examiner to Board—page 1 of 2

**2. FEE FOR FILING NOTICE OF APPEAL**

Pursuant to 37 C.F.R. § 41.20(b)(1), the fee for filing the Appeal Brief is:

Other than a small entity	\$500.00
Notice of Appeal fee due	\$500.00

**3. EXTENSION OF TERM**

The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136 apply.

Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

**4. TOTAL FEE DUE**

The total fee due is:

Notice of Appeal fee	\$500.00
<b>TOTAL FEE DUE</b>	<b>\$500.00</b>

**5. FEE PAYMENT**

Authorization is hereby made to charge the amount of \$500.00 to Deposit Account No. 50-1351 (Order No. NAI1P344).

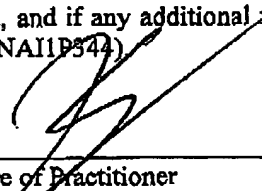
Charge any additional fees required by this paper or credit any overpayment in the manner authorized above.

A duplicate of this transmittal is attached.

**6. FEE DEFICIENCY**

If any additional extension and/or fee is required, and if any additional fee for claims is required, charge Deposit Account No. 50-1351 (Order No. NAI1P344).

Reg. No.: 41,429  
Tel. No.: 408-971-2573  
Customer No.: 28875

  
\_\_\_\_\_  
Signature of Practitioner  
Kevin J. Zilka  
Zilka-Kotab, PC  
P.O. Box 721120  
San Jose, CA 95172-1120  
USA